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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/938,939	08/24/2001	Janakiram Koka	YAHOO-01008US1	2665

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EXAMINER

HERNANDEZ, OLGA

ART UNIT PAPER NUMBER

2144

DATE MAILED: 06/08/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/938,939

Applicant(s)

KOKA ET AL.

Examiner

Olga Hernandez

Art Unit

2144

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 3/24/05.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-21 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-21 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 24 August 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

## **DETAILED ACTION**

### ***Response to Arguments***

Applicant's arguments have been considered but are moot in view of the new ground(s) of rejection.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1, 3-13, 15-20 are rejected under 35 U.S.C. 102(e) as being anticipated by Collins et al (6,424,828).

As per claim 1, Collins discloses determining a chunk size limit; dividing a web page data into segments having a size no greater than the chunk size limit; and linking the chunks in sequence (figures 8 and 9, column 3, lines 25-53, column 11, lines 25-31, column 12, lines 31-43, column 13, lines 15-20).

As per claims 3 and 15, Collins discloses the linking step in sequential order (column 11, lines 25-32, column 13, lines 15-20).

As per claim 4, Collins discloses linking chunks (column 4, lines 56-59).

As per claim 6, Collins discloses determining whether the chunk limit falls on a word or element boundary and establishing a break point at a position or element boundary (column 11, lines 25-32).

As per claim 12, Collins discloses determining where the gateway limit falls in the content data; and parsing the content data into at least a first segment and at least a next segment of a size at or below the gateway limit at break points not falling within a word, or element boundary (figures 8 and 9, column 3, lines 25-53, column 11, lines 25-31, column 12, lines 31-43, column 13, lines 15-20).

As per claim 13, Collin discloses linking the first segment and said at least next segment (column 4, lines 56-59, column 11, lines 25-32, column 13, lines 15-20).

As per claim 17, Collins discloses determining whether the gateway limit falls on a word or element boundary and establishing a break point at a position or element boundary (column 11, lines 25-32).

As per claims 7, 8, 18 and 19, Collins discloses the break point falling on a word is determined and positioned on a new and/or end of line indicator (column 11, lines 25-32).

As per claims 5 and 16, Collins discloses determining the point where the chunk size limit is reached; and creating a table/list addresses to subsequent chunks (column 5, lines 43-67, column 6, lines 1-18).

As per claims 9 and 20, Collins discloses creating a table identifying each of the segments and fixing addresses in the segments (column 5, lines 43-67, column 6, lines 1-18).

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As per claims 10 and 21, Collins discloses the e-mail message includes a communication greater than a maximum communication length imposed by the SMS (abstract). Therefore, there is a fixed length.

As per claim 11, Collins discloses the use of domain names (column 5, line 49 and column 6, line 20).

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 2 and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Collins et al (6,424,828).

Collins teaches how to link in a sequential order. Collins does not teach how to link in a non-sequential order. However, it would have been obvious to one skill in the art to use a non-sequential order in order to provide another advantages to the communications means such as classification and/or prioritizing packets, which are in a non-sequential order. Therefore, two communicating parties in that the sender must be paced by the receiver so that the receiver is not overrun with packets arriving faster than can be processed.

***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

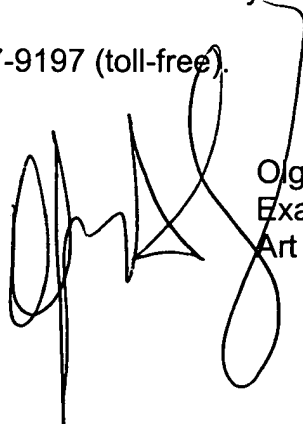
Claims 1-3 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

It is unclear if the chunks and segments are the same. Note the linking step of claim 1 (line 6), links **chunks** in sequence, while "said linking step" (assumed to be the same) in claims 2 and 3 link **segments**. Is it a different linking step?

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Olga Hernandez whose telephone number is 571-272-7144. The examiner can normally be reached on Mon-Thu 8:30am-7:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Wiley can be reached on 571-272-3923. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Olga Hernandez  
Examiner  
Art Unit 2144